

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits-L.A.S.S.P-Thimmarajupalli Harijanawada, Nandalur(M)-structures acquired-Award passed-L.A.O.P.No. 108/2000 disposed off in the Court of Senior Civil Judge, Rajampet and settled in District Lok Adalat, Kadapa-W.P.No. 8889/08 filed by M. Janardhana and 101 others in Hon'ble High Court-W.P. disposed on 24.7.08-Writ Appeal No. 1765 of 2008 dismissed-Contempt Case filed in the Hon'ble High Court in C.C.No. 1549/08 in W.P. No. 8889/08-Special Leave Petition No. 13755/09 filed in the Hon'ble Supreme Court of India dismissed dated: 21.8.09-Review petition © No. 2338/09 filed in the Hon'ble Supreme Court dismissed on 24.1.10-Allotment of funds under charged funds of Somasila Project-Sanction Orders-Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 379

Dated: 11.6.2010

Read

From the Special Collector, G.N.S.S. Kadapa Lr.No. A1/16/08,

Dated: 7.4.2010

O R D E R:

The Special Collector, G.N.S.S. Kadapa in the reference Ist read above have submitted proposal of the Special Deputy Collector, L.A., SSP, Unit-IV, Rajampet report stating that Thimmarajupalli (V) of Nandalur (M) is one among the submerged villages under Somasila Project. The Executive Engineer, Somasila Division No. IV, Somasila has sent a requisition for acquisition of structures in Reach No. II of Thimmarajupalli (V) of Nandalur (M) of Kadapa District for purpose of submergence under Somasila Project. The DN U/s 4(1) of the L.A. Act and DD U/s 6 of L.A. Act were approved and published in the A.P., Gazette. The LAO has passed Award and compensation was also paid for the structures of the Awardees. Aggrieved with the amount of compensation paid by the LAO, some of the claimants have filed applications U/s 18 of the LA. Act in the year 2000, and those applications were referred to the Sr. Civil Judge Court, Rajampet and the same was taken on file as LAOP No. 108/2000 for determination of compensation. In the year 2007, the aforesaid LAOP. No. 108/2000 was referred to the District Legal Services Authority, Kadapa in LAC. No. 199/2007. the District Lok Adalat has enhanced the Market Value for the structures of the respondents by 75% over and above the Market Value fixed by the LAO vide its order Dt. 23.3.2007 and the enhanced compensation was paid to the claimants in the LAOP. No. 108/2000. Basing on the said orders of the District Lok Adalat, some of the Awardees Who have not filed applications U/s 18 of L.A. Act, have filed applications U/s 28-A of L.A Act on 2-7-07 for re determination of compensation. The Land Acquisition Officer has conducted Award enquiry and passed Award proceedings vide Award No. 9/07-08 Dt. 16-1-08 U/s 28-A of L.A Act re-determining of compensation on par with the claimants in LAOP.No. 108/2000 duly calculating the interest from the date of application and the re-determined compensation amount was also paid to the applications U/s 28-A of LA.Act. The Hon'ble High Court of A.P., Hyderabad vide its Order Dt. 24-7-08 passed in W.P.No. 8889/08. Aggrieved by the above orders, the Government represented by the Special Deputy Collector (L.A), S.S.P., Unit-IV, Rajampet filed Writ Appeal No. 1765/08 before the Hon'ble High Court of A.P., Hyderabad dismissed the said writ appeal by a Common Order dated: 12.2.2009. Thereafter, the Government represented by he Special Deputy Collector (L.A), S.S.P., Unit-IV, Rajampet and others filed a Special Leave Petition in the Hon'ble Supreme Court of India, New Delhi in S.L.P. C.C.No. 13755/09 since the Hon'ble Supreme Court dismissed the said Special Leave Petition by a Common order dated: 21.8.09. Hence the Review Petition has been filed. The Review Petition No. (C) No.2338/09 in Special Leave Petition (C) No. 13755/09 was also dismissed in the Hon'ble Supreme Court of India, Dt. 27-1-2010. The Government Pleader for L.A., Hon'ble High Court of A.P., Hyderabad advised to comply with the orders of the Hon'ble High Court of A.P., Hyderabad in W.P.No.8889/08 Dt.

(P.T.O)

24-7-08, as a Contempt Case filed in C.C.No.1549/08 in W.P.No.8889/08 came up for hearing on 5.3.2010 and the Hon'ble High Court adjourned the matter by four weeks after his persuasion and further informed that if the orders are not complied with within time, the Hon'ble High Court may order personal appearance of the Respondents.

2. The Special Collector (LA), G.N.S.S., Kadapa has further reported that an amount of Rs. 35, 92, 604/- (Rupees Thirty Five Lakhs Ninety two Thousand Six Hundred and Four Only) was released to the Special Deputy Collector (L.A) S.S.P., Unit-IV, Rajampet, for re-determination of compensation to the awardees U/s 28-A of L.A. Act in respect of CC.No. 1549/08 in W.P.No. 8889/08 pertaining to Thimmarajupalli (V) of Nandalur (M).The Special Deputy Collector (L.A) S.S.P., Unit-IV, Rajampet has reported that the Asst. Pay & Accounts Officer, Works and Projects, Kadapa has not honoured the LOC released by the Special Collector and was lapsed. The CC.No. 1549/08 is pending before the Hon'ble High Court of A.P., Hyderabad. The Govt. Pleader for LA, Hon'ble High Court has informed to comply with the orders of the Hon'ble High Court before 20-4-2010 failing which the Hon'ble High Court may order personal appearance of the Respondents in the Contempt Case No. 1549/08. At present there is no budget allotment available under charged funds of Somasila Project for the year 2010-11.With the above information, the Special Collector (LA), G.N.S.S., Kadapa has requested that an amount of Rs. 36.00 Lakhs (Rupees Thirty Six Lakhs Only) may kindly be allotted to the Special Deputy Collector (L.A) S.S.P., Unit-IV, Rajampet under charged funds of Somasila Project for 2010-11 for payment of re-determined amount of the compensation to the Petitioners in Contempt Case in C.C.No. 1549 of 2008. In the mean-while, the Govt Pleader for LA, APHC, A.P, Hyd in his letter dated. 7.4.2010 has informed that the above Contempt Case again came up for hearing before the Hon'ble High Court on 6.4.2010 and the Hon'ble High Court took a serious view for non compliance of the orders of the Hon'ble High Court in W.P.No.8889/08,dt.24.7.2008. The Hon'ble High Court finally granted 2 weeks time for reporting compliance, failing which personal appearance will be ordered.

3. After careful examination of the matter, Government hereby accord sanction of an amount of Rs.36.00 lakhs (Rupees Thirty Six Lakhs only) for allotment of funds to the Special Deputy Collector (LA), S.S.P. Unit-IV, Rajampet, Somasila Project for payment of re-determined amount of the compensation to the Petitioners in Contempt case in C.C.No.1549 of 2008. Subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, G.N.S.S, Kadapa should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, duly deducting the income tax, as per rules, before depositing the amount in the Lower Court.

4. The Special Collector, G.N.S.S. Kadapa is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid duly deducting the Income Tax as per rules. He is also directed to follow the directions of Hon'ble High Court dated: 30.4.2007 in W.P. No. 2181/2005 in depositing the above sanctioned decretal amount in the respective court.

(P.T.O)

5. The amount sanctioned in Para (3) on pre-page shall be debitable to the Head of Account under: "4701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 112- G.H. 11- Normal State Plan; S.H. (26)D & A works'; 530 Major Works; 532 – Lands (charged)". In case, the available budget provision is not sufficient to meet the present requirement, expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. This order issued with the concurrence of Finance (W&P) Department vide their U.O. No.2559/F7(A2)/10-1, Dated: 25.5.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,
SECRETARY TO GOVERNMENT

To

The Special Collector, G.N.S.S, Kadapa

The Special Deputy Collector, L.A. S.S.P. Unit-IV, Rajamapet, Kadapa District

The Engineer-in-Chief, I & CAD, Erramanzil, Hyderabad

The Superintending Engineer, I & CAD, Kadapa

The Director of Works and Accounts, Hyderabad

The District Treasury Officer, Kadapa

The Joint Director, Works & Accounts, Kadapa

The Pay & Accounts Officer, Kadapa

Copy to

P.S. to Minister (M & MI)

Law Department/Finance (W&P) Department

C.No. 12976/L.A.II/A1/2010

Stock file/Spare copies.

//FORWARDED BY ORDER//

SECTION OFFICER